

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TERESA R. MARX,

Plaintiff,

v.

Case No. 17-C-191

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

ORDER

Plaintiff Teresa Marx filed this action for judicial review of a decision by the Commissioner of Social Security denying her applications for disability, disability insurance benefits, and supplemental security income under Titles II and XVI of the Social Security Act. On March 26, 2018, this court entered a decision and order in favor of Plaintiff reversing the Commissioner's decision and remanding the matter to the Social Security Administration for further proceedings. ECF No. 23. This matter now comes before the court on Plaintiff's motion for an award of attorney's fees of \$10,108.77 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. ECF No. 25. Plaintiff filed her motion on June 13, 2018, meaning the Commissioner's deadline to respond to the motion was July 5, 2018. Civil L.R. 7(b) (E.D. Wis.).

The Commissioner has not filed a timely response in opposition to the motion, and that lack of response, considered alone, provides the court with sufficient cause to grant the motion. Civil L.R. 7(d). Moreover, having reviewed the materials submitted in support of Plaintiff's motion, the

court finds that the Commissioner's litigation position was not substantially justified, as required by the EAJA, and that Plaintiff's requested attorney's fees are reasonable.

IT IS THEREFORE ORDERED that Plaintiff's motion for an award of attorney's fees in the amount of \$10,108.77 (ECF No. 25) is **GRANTED**.

Dated this 9th day of July, 2018.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court